

REMARKS

Claims 1-40 are all the claims pending in the application. Claims 1, 2, 17-21 and 36-40 have been examined and claims 3-16 and 22-35 have been withdrawn from consideration as being drawn to a non-elected invention.

Applicant thanks the Examiner for considering the references submitted with the Information Disclosure Statement filed on November 30, 2001.

I. Declaration

The Examiner has objected to the declaration because the residence address of inventor Dorron Levy is missing. Applicant submits, however, that the mailing address provided for Dorron Levy on the declaration is the same as the residence address. In accordance with 37 C.F.R. § 1.63(c)(1), the residence of an inventor need only be provided if the residence is different from the mailing address. Accordingly, Applicant respectfully requests that the Examiner withdraw the objection to the declaration.

II. Abstract

The Examiner has objected to the Abstract for the reasons set forth on page 2 of the Office Action. Applicant has amended the Abstract in a manner believed to overcome the Examiner's objection. Accordingly, Applicant requests that the Examiner reconsider and withdraw the objection.

III. Claim Objections

The Examiner has objected to claims 20, 21 and 39 for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. Applicant has amended these claims in a manner believed to overcome the Examiner's objections.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the objection.

IV. Claim Rejections under 35 U.S.C. § 102(b)

A. Claims 1, 2, 17-21 and 36-39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by White et.al. (U.S. 5,586,066). Applicant respectfully traverses this rejection on the following basis.

Claim 1, as amended, recites the feature of a measurement unit for repeatedly measuring a disorder indicator of a system, wherein the disorder indicator represents a non-designated output of the system. Applicant submits that White fails to disclose or suggest at least this feature of claim 1.

White discloses a system for monitoring industrial processes using data collected from a plurality of sensors 16 (see Fig. 1). By comparing data collected during a learning phase to ongoing acquired data, the system is able to note the occurrence of statistically significant deviations. In White, designated outputs of a particular industrial process are measured using a designated sensor 16 for each desired output to be measured (see col. 2, lines 59-67). That is, in White, each sensor 16 monitors a specific designated output of the industrial process being monitored.

Accordingly, as White only discloses the measurement of designated outputs (i.e., output planned for a system), Applicant submits that White fails to disclose a measurement unit that measures a disorder indicator, the disorder indicator representing a non-designated output of a system, as set forth in claim 1. In White, non-designated outputs of an industrial process being monitored would not be gathered by sensors 16 but would simply be disregarded.

Based on the foregoing, Applicant submits that White fails to disclose or suggest all of the features of claim 1 and, accordingly, respectfully requests that the Examiner reconsider and withdraw the rejection. Claims 2-18 depend from claim 1 and therefore incorporate all of the features thereof. Accordingly, Applicant submits that these claims are patentable at least by virtue of their dependency.

Independent claims 19, 20, 38 and 39 recite similar features to those discussed above with respect to claim 1. Accordingly, Applicant submits that these claims are patentable at least for the same reasons. Claims 21-37 depend from claim 20. Accordingly, Applicant submits that these claims are patentable at least by virtue of their dependency.

B. Claim 40 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Rauscher (U.S. 5,655,074). Applicant respectfully traverses this rejection on the following basis.

Claim 40, as amended, recites the feature of a measurement unit for repeatedly measuring a disorder indicator of a system, wherein the disorder indicator represents a non-designated output of the system. Applicant submits that Rauscher fails to disclose or suggest at least this feature of claim 1.

Rauscher discloses a system for conducting a statistical quality analysis of a software system (see Abstract). Specific data related to faults and problems for each software component being monitored is gathered and is compared to historical data for the specific software component (see col. 3, lines 11-17).

Therefore, as Rauscher only discloses the measurement of designated outputs (i.e., specific faults and problems associated with a particular software component), Applicant submits that Rauscher fails to disclose a measurement unit that measures a disorder indicator, the disorder indicator representing a non-designated output of a system, as set forth in claim 40.

Based on the foregoing, Applicant submits that Rauscher fails to disclose or suggest all of the features of claim 40 and, accordingly, respectfully requests that the Examiner reconsider and withdraw the rejection.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
U.S. Application No.: 09/996,789

Attorney Docket No.: Q66130

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Kenneth W. Fields
Registration No. 52,430

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: January 2, 2004